Amendment to the Amendment in the Nature of a Substitute to H.R. 3 Offered by Rep. Reed of New York

The amendment would require rebates on insulin products in Part D to be delivered at the point of sale.

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OFFERED BY MR. Reed

Add at the end of title II the following new section (and update the table of contents accordingly):

| 1 | SEC. 203. REQUIREMENT TO PROVIDE 100 PERCENT OF |
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| 2 | CERTAIN NEGOTIATED PRICE CONCESSIONS |
| 3 | FOR INSULIN AT POINT-OF-SALE UNDER |
| 4 | PART D OF MEDICARE PROGRAM. |
| 5 | (a) In General.—Section 1860D-2(d)(1) of the So- |
| 6 | cial Security Act (42 U.S.C. 1395w-102(d)(1)) is amend- |
| 7 | ed — |
| 8 | (1) in subparagraph (A), by striking "Under" |
| 9 | and inserting "Subject to subparagraph (D), |
| 10 | under"; and |
| 1 | (2) by adding at the end the following new sub- |
| 12 | paragraph: |
| 13 | "(D) REQUIREMENT TO PROVIDE 100 PER- |
| 4 | CENT OF CERTAIN NEGOTIATED PRICE CONCES- |
| 5 | SIONS FOR INSULIN AT POINT-OF-SALE.— |
| 6 | "(i) In general.—Subject to clause |
| 7 | (ii), for plan years beginning on or after |
| 8 | January 1, 2022, 100 percent of the price |
| 9 | concessions negotiated between manufac- |

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| 1 | turers and a prescription drug plan or |
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| 2 | MA-PD plan and taken into account |
| 3 | under subparagraph (B) in determining |
| 4 | negotiated prices for covered part D drugs |
| 5 | that are insulin provided under such a plan |
| 6 | shall be provided to enrollees of such a |
| 7 | plan at pharmacies or by mail order service |
| 8 | at the point-of-sale of such drugs. |
| 9 | "(ii) Modification of minimum |
| 10 | PERCENTAGE.—The Secretary may, |
| 11 | through notice and comment rulemaking, |
| 12 | modify the minimum percentage required |
| 13 | under clause (i), except that in no case |
| 14 | may such minimum percentage be less |
| 15 | than 50 percent for plan years beginning |
| 16 | on or after January 1, 2024.". |
| 17 | (b) STUDY AND REPORT.—Not later than two years |
| 18 | after the date of the enactment of this Act, the Comp- |
| 19 | troller General of the United States shall conduct a study |
| 20 | and submit to the Committees on Energy and Commerce, |
| 21 | Ways and Means, and Education and Labor of the House |
| 22 | of Representatives and the Committees on Finance and |
| 23 | Health, Education, Labor, and Pensions of the Senate a |
| 24 | report on the effects of the implementation of the require- |
| 25 | ment described in subparagraph (D) of section 1860D |

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| 1 | 2(d)(1) of the Social Security Act (42 U.S.C. 1395w- |
|---|--|
| 2 | 102(d)(1)), as added by subsection (a). The Comptroller |
| 3 | General shall include in such study and report an analysis |
| 4 | of each of the following: |
| 5 | (1) Any trends in the list and net prices of in- |
| 6 | sulin. |
| 7 | (2) Any savings for enrollees of prescription |
| 8 | drug plans or MA-PD plans under the Medicare |
| 9 | program as a result of such requirement. |
| 0 | (3) Any trends in out-of-pocket costs for such |
| 1 | enrollees, as compared to enrollees of employer-spon- |
| 2 | sored plans, State plans under the Medicaid pro- |
| 3 | gram, and plans offered through an Exchange estab- |
| 4 | lished under title I of Public Law 111–148. |
| 5 | (4) Pathways for the market entry of generic |
| 6 | drugs and biosimilar biological products for insulin |
| 7 | (5) Recommendations to Congress on how to |
| 8 | enhance patient access to, and lower patient out-of- |
| 9 | pocket costs of, insulin. |

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